THE HON'BLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 13859 of 2003

Date: 02.01.2007

Between:

K. Appala Raju, S/o Sadhu, aged about 31 years, Hindu, working as a Contract Labourer, EPDCL, Srikakulam and another.

…..PETITIONERS

AND

The Chairman-cum-Managing Director, EPDCL, Visakhapatnam and another.

….RESPONDENTS

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W.P. No. 13859 of 2003

Order:

The Petitioners, who are two in number, claim to have worked with the respondents-APSEB as contract labour. It is their case that the respondents-APSEB having considered their case for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997, rejected their candidature on the ground that they did not possess the requisite qualifications to hold the post and that they were not engaged by licenced contractors respectively. Assailing the said action of the respondents, the petitioners filed the present writ petition.

When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents-Organization and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the orders of this Court passed today in W.P. No. 8257 of 1998 and batch, and in W.P. No.24650 of 2002, and both the counsel agreed to dispose of the writ petition in terms thereof.

Insofar as the relief sought by petitioner No.1, namely with regard to relaxation of educational qualifications is concerned, this Court considered similar issue in W.P. No. 8257 of 1998 and batch, and by order dated 02.01.2007 dismissed the same by observing that when the Board Service Regulations prescribes a particular qualification, the candidates seeking absorption/selection

should possess such qualification, and this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot relax the prescribed qualifications.

Insofar as the relief sought by petitioner No.2, namely non-consideration of his case for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997, on the ground that he was engaged by an unlicenced contractor is concerned, this Court considered similar issue in W.P. No. 24650 of 2002 and by order dated 02.01.2007 allowed the same directing the respondents to consider the cases of the petitioners therein for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997, without referring to the fact that they worked as contract labour under unlicenced contractors.

In the circumstances, following the judgment in W.P. No. 8257 of 1998 and batch, dated 02.01.2007, the writ petition, insofar as petitioner No.1 is concerned, is dismissed for the same and similar reasons. Following the judgment in W.P. No. 24650 of 2002, dated 02.01.2007, the writ petition, insofar as petitioner No.2 is concerned, is allowed in terms thereof. No costs.

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N.V. RAMANA, J.

Date: 02.01.2007
NSR/GRR